

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN MASCARO,

Plaintiff,

vs.

**COMMISSIONER OF SOCIAL,
SECURITY ADMINISTRATION**

Defendant.

) **CASE NO. 1:16-cv-00436-DAP**
)
) **JUDGE DAN AARON POLSTER**
)
) **ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)
)
)
)
)

Before the Court is the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg (“R & R”), Doc #. 14, which recommends that the Court vacate the Commissioner’s decision and remand the matter.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). However, where a party fails to object, a district court is not required to

conduct any review, *de novo* or otherwise, of the report and recommendations of a magistrate judge. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Here, the Commissioner timely filed a response indicating that she does not oppose the R & R. Doc #: 15.

Accordingly, the Court **ADOPTS** the Magistrate Judge's R & R, Doc. # 14, in full, **VACATES** the Commissioner's decision, and **REMANDS** Plaintiff's case to the Social Security Administration for further proceedings consistent with this Order and the R & R.

IT IS SO ORDERED.

/s/ Dan A. Polster Dec. 20, 2016
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE